

REMARKS

Reconsideration of this Application is respectfully requested. In response to the Office Action mailed May 26, 2005, Applicants have amended claims 1-11, 14-21, 23, and 25-35. Claims 1-35 are pending.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections.

Restriction Requirement

Applicants acknowledge that the Restriction Requirement has been withdrawn, as indicated on page 2 of the Action.

Objections to the Specification

(A) On page 2, the Action objects to the specification indicating that reference character “410” has been used to designate both a dipole electrical conductivity sensor and a bulkhead electrical conductor. The Action further states that replacement drawings must be submitted.

Accordingly, Applicant has amended the specification to replace reference character “410” with “426” for the dipole electrical conductivity sensor. The dipole electrical conductivity sensor is further described on page 23 starting at line 5. However, since the amendment to the specification was to correct a typographical error, and the dipole electrical conductivity sensor was already recited in the application and depicted in the drawings as reference numeral “426,” no amendments to the drawings are necessary. Therefore, Applicants submit that corrected drawings are not required and respectfully request that the objection be withdrawn.

(B) On page 2, the Action objects to the specification indicating that MIP 402 “should be” changed to MIP 400.

Accordingly, Applicants have amended the specification as suggested. Applicants respectfully request that the objection be withdrawn.

(C) On page 2, the Action states that Applicants “must update the status of the” instant application “in paragraphs [0003]-[0005].”

Accordingly, Applicants have amended the specification to reflect the current status of the related applications. Applicants respectfully request that the objection be withdrawn.

(D) On page 2, the Action alleges that the Applicants have not established the “diameter of a conventional MIP sensor.” The Action then takes the position that “the diameter of a conventional sensor could be any size diameter as long as it is smaller than another sensor diameter.” Applicants respectfully traverse this interpretation.

However, this feature has been cancelled from the claims and therefore the objection is moot. Applicants respectfully request that the objection be withdrawn.

Double Patenting Rejection

On page 3, the Action rejects claims 1-21 and 25-35 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of co-pending U.S. Patent Application No. 10/666,558. The Action alleges that “Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications are covering the same invention in different orders.” The Action indicates claims 1-21 of the instant application are anticipated by claims 12-32 of U.S. Patent Application No. 10/666,558, and claims 25-35 of the instant application anticipate claims 1-11 of U.S. Patent Application No. 10/666,558.

A terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) is being submitted herewith to overcome the Double Patenting rejection since the instant application and U.S. Patent Application No. 10/666,558 are commonly-owned. Applicants therefore respectfully request that the double patenting rejection be withdrawn.

Since claims 3, 5-14, 19-21, and 25-35 have not received any additional rejection under 35 U.S.C. § 102 or 35 U.S.C. § 103 other than the double patenting rejection noted above, these claims are believed to include allowable subject matter.

For reasons discussed below, claims 3 and 5 are also allowable because of their dependence on allowable claim 1.

Claims 6-14, 19-21, and 25-35 are believed to be in condition for allowance as written and allowance thereof is respectfully requested.

Rejections under 35 U.S.C. § 102

On pages 4-5, the Action rejects claims 1, 2, 4, and 15-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,639,956 to Christy (hereinafter Christy). Applicants respectfully traverse this rejection.

(A) For at least the following reasons, Christy does not anticipate amended claim 1.

Amended claim 1 recites “A membrane interface probe apparatus comprising: a membrane interface probe (MIP) housing having **a diameter of at least about 2.125 inches.**” (Emphasis added).

Christy does not teach or suggest that the diameter of cylindrical housing 12 is at least about 2.125 inches (see Christy, col. 2, lines 27-30, FIG. 1). Thus, Christy does not teach or suggest “a membrane interface probe (MIP) housing having **a diameter of at least about 2.125 inches**” (emphasis added), as recited in amended claim 1. Therefore, amended claim 1 is in condition for allowance and allowance thereof is respectfully requested.

Claims 2 and 4, which depend from allowable claim 1, are also in condition for allowance because of their dependence on an allowable claim.

(B) For at least the following reasons, Christy does not anticipate amended claim 15.

Amended claim 15 recites “A membrane interface probe apparatus comprising: a membrane interface probe (MIP) comprising an internal **removable** trap for the collection and/or concentration of one or more volatile organic compounds.

On page 4, the Action alleges that permeable membrane 30 of Christy is a removable trap included in sensing unit 28. Applicants respectfully disagree. Christy teaches that the membrane 30 is secured in annular recess 50 of the sensing unit 28 by **resistant welding**, **brazing**, or any other suitable means of **attaching** the membrane 30 to holder 34 (see Christy, col. 3, lines 15-18, FIG. 4, col. 2, lines 42-59). Clearly, a membrane that is **welded**, **brazed**, or attached in any other suitable means of **attaching** to a holder cannot be considered removable since these or any similar

techniques permanently affix the membrane 30 to holder 34 in a non-removable manner. Although FIG. 4 of Christy illustrates the membrane 30 separate from the sensing unit 28, this figure is an “exploded view” to illustrate the components of the probe 10, but does not indicate that the membrane 30 is a removable trap included in sensing unit 28, as alleged by the Action (see Christy, col. 2, lines 23-24). Thus, Christy does not teach or suggest “a membrane interface probe (MIP) comprising an internal removable trap” (emphasis added), as recited in amended claim 15. Therefore, claim 15 is in condition for allowance and allowance thereof is respectfully requested.

Claims 16-18, which depend from allowable claim 15, are also in condition for allowance because of their dependence on an allowable claim.

Allowable Subject Matter

Applicants note that the Action did not reject independent claim 22, nor claim 24 dependent thereon, under 35 U.S.C. § 102, 35 U.S.C. § 103, or under any other statute. These claims are believed to be in condition for allowance as no amendment has been made that would require additional search or consideration. Applicants respectfully request that the next Action indicate the allowability of these claims.

Claim 23, which depends from allowable claim 22, is also in condition for allowance because of its dependence on an allowable claim.

Accordingly, claims 1-35 are in condition for allowance and allowance thereof is respectfully requested.

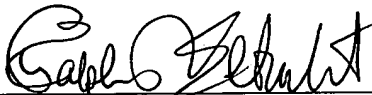
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: August 26, 2005

Respectfully submitted,

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